

REIMBURSEMENT OF POST OFFICE DEPARTMENT BY GOVERNMENT AGENCIES IN ADDITIONAL CASES FOR TRANSMISSION OF MAIL MATTER

JUNE 25, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ALEXANDER, from the Committee on Post Office and Civil
Service, submitted the following

REPORT

[To accompany S. 1871]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1871) to amend the Act entitled "An Act to reimburse the Post Office Department for the transmission of official Government-mail matter", approved August 15, 1953 (67 Stat. 614), and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The committee proposes two amendments to the bill as passed the Senate: an amendment to the text and an amendment to the title.

AMENDMENT TO THE TEXT

The amendment proposed to the text strikes out all after the enacting clause and inserts in lieu thereof a substitute text which appears in the reported bill in italic type.

The purposes of this proposed amendment to the text are (1) to clarify the intent and purpose of the provisions of the bill as passed the Senate by making a number of adjustments of a technical nature in such provisions and (2) to effect two substantive changes in the bill as passed the Senate.

The first substantive change provides for the reimbursement of the Post Office Department by the Library of Congress of the equivalent amount of postage, as determined pursuant to regulations prescribed by the Postmaster General, for matter transmitted in the mails with-

out prepayment of postage under authority of section 15 of title 17 of the United States Code (relating to the mailing of articles to the Register of Copyrights, Library of Congress, without cost to the copyright claimant). This substantive change proposed by the committee, which is to be in lieu of the repeal (contained in sec. 2 of the bill as passed the Senate) of such section 15 of title 17 of the United States Code, is made in order to accomplish the purpose of the bill (that is, reimbursement of the Post Office Department) without disturbing any existing provision of the copyright law. This change is further discussed in the section-by-section analysis of the bill, as reported.

The second substantive change provides that the effective date for the amendments made by the bill shall be July 1, 1956, in lieu of the effective date, July 1, 1955, which is provided by the bill as passed the Senate. This change in the effective date is made in order to avoid difficulties which might arise in connection with the retroactive application of the provisions of the bill with respect to a past fiscal year, including the need for supplemental appropriations by the Congress, if the July 1, 1955, date were retained.

AMENDMENT TO THE TITLE

The amendment proposed to the title is as follows:
Amend the title so as to read:

An Act to amend certain provisions of law in order to provide for the reimbursement of the Post Office Department by Government agencies in certain additional cases for the transmission of mail matter.

The purpose of this proposed amendment to the title is to indicate more clearly the subject matter of the text of the bill.

STATEMENT

This legislation will correct an omission in the act of August 15, 1953 (Public Law 286, 83d Cong.), which amended the Penalty Mail Act of 1948 to provide for reimbursement to the Post Office Department of the equivalent amount of postage for official mail sent under the penalty privilege by Government departments, agencies, and independent establishments (except the Post Office Department). The Comptroller General of the United States has ruled that Public Law 286 does not repeal or supersede certain statutes which specifically authorize certain mailings free of postage or registry fees. This legislation, in effect, will extend the reimbursement provisions contained in Public Law 286 to free mailings and registry excluded from the application of Public Law 286 by the Comptroller General's rulings.

The reimbursements to the Post Office Department under this legislation will be made from the respective appropriations or funds available to the Government departments, agencies, and establishments concerned. It is estimated that enactment of this legislation will add approximately \$2,300,000 to the revenues of the Post Office Department.

A discussion of the types of mailings and services within the purview of this legislation and the statutes involved is contained in the section-by-section analysis of the bill.

The official request of the Acting Postmaster General for this legislation and the favorable reports of the Departments of Agriculture, Commerce, Justice, and the Treasury, the Librarian of Congress, and the Comptroller General of the United States, follow:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., April 11, 1955.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is transmitted herewith, for consideration by the Congress, a draft of proposed legislation to amend the act entitled "An act to reimburse the Post Office Department for the transmission of official Government-mail matter," approved August 15, 1953 (67 Stat. 614), and for other purposes.

The act of August 15, 1953 (Public Law 286, 83d Cong., 1st sess.), which would be amended by the proposed legislation, was enacted to provide for the Post Office Department to be reimbursed for the transmission of official Government mail matter, including mailings by the legislative, judicial and executive branches of the Government, with the exception of the mailings made by the Post Office Department. Section 1 of the act, which relates to mailings by all but Members of Congress, provided for the transfer to the Post Office Department, as postal revenue, "the equivalent amount of postage due therefor, as determined pursuant to regulations prescribed by the Postmaster General."

It was the view of this Department that the language of section 1 of the act required the departments and agencies of the Government to reimburse the Post Office Department for registry fees on their mailings. However, the Comptroller General, in decision No. B-118079, dated February 1, 1954, ruled that the various statutes extending free registration privileges to departments and agencies of the Government were not affected by the act of August 15, 1953. Consequently, the Post Office Department still renders free registered mail services to the executive and judicial branches of the Government.

This result, it is believed, was not intended by the Congress since section 2 of the act of August 15, 1953, contains a specific provision under which the Congress appropriates funds, to the postal revenues of this Department, to cover the registry fees on matter mailed by the Members of Congress.

It also was the view of this Department that section 1 of the act of August 15, 1953, required departments and agencies of the Government to reimburse the Post Office Department for the equivalent amount of postage to cover mailings of all "organizations and persons authorized by law to use the penalty privilege" in any way connected with the department or agency concerned. However, the Comptroller General in decision B-118276, dated February 16, 1954, to the Secretary of Agriculture, held as follows:

"For the foregoing reasons, it is concluded that Public Law 286 is inapplicable to the free mailing privileges held by the State Extension Service directors and the State experiment stations, and that no basis exists for the use of appropriations of your Department for reimbursement to the Post Office Department of the cost of mailings by said organizations."

It is proposed to correct the omissions from the act of August 15, 1953, cited above, by requiring that there be paid out of the funds

available to the departments and agencies concerned to the Post Office Department, as postal revenues, of equivalent amounts of postage or registry fees to cover the postage and registry fees on the mailings of all who have authority to mail under the penalty privilege or to transmit official matter by registered mail without the payment of registry fees. Mailings by agricultural experiment stations and colleges under sections 325 and 365 of title 7, United States Code, and section 330 of title 39, United States Code, will be made out of appropriations made therefor to the Department of Agriculture.

The provisions of law embodied in section 321n, title 39, United States Code, require that the head of each independent establishment and executive department (other than the Post Office Department) shall certify to the Postmaster General at the end of each quarter that nothing was transmitted through the mails free of postage in violation of the provisions of the Penalty Mail Act.

Under the provisions of 39 United States Code 321i, the departments and agencies are directed to transfer to postal revenues from their respective appropriations or funds available, the equivalent amount of postage to cover penalty mailings.

That portion of the Penalty Mail Act requiring certifications was for the purpose of effecting a control on the amount of penalty mailings and keep them at a minimum. Since the departments and agencies are now required to pay for their penalty mailings, there appears to be no particular need for such quarterly certifications to the Postmaster General. This requirement should be repealed, and other changes made in the law to conform to the act of August 15, 1953.

It is believed that the legislative proposal transmitted herewith will accomplish the purposes desired, and this Department urges its early enactment.

It is estimated that the enactment of the legislative proposal will add about \$2,300,000 to the revenues of the Post Office Department.

The Bureau of the Budget has advised that there would be no objection to the submission of this legislative proposal to Congress.

Sincerely yours,

CHARLES R. HOOK, Jr.,
Acting Postmaster General.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 10, 1956.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR CONGRESSMAN MURRAY: The Senate on March 19, 1956 passed S. 1871, a bill to amend the act entitled "An act to reimburse the Post Office Department for the transmission of official Government-mail matter" approved August 15, 1953 (67 Stat. 614) and for other purposes. The bill has since been referred to your committee for consideration in the House of Representatives.

We wish to invite your attention to an erroneous legal citation in S. 1871. On page 3 of the bill, line 23, reference is made to 24 Statutes 441 and 7 United States Code 365. The Congress last year passed Public Law 352, approved August 11, 1955 in order to consolidate the Hatch Act of 1887 and other laws relating to the appropriation of Federal funds for support of the State agricultural experi-

ment stations. S. 1871 should, therefore, be changed to refer to existing legislation and we suggest the following revision. Page 3, lines 18 to 23 should be revised as follows:

"SEC. 4 * * * (1) Section 6 of the Act entitled 'An Act to consolidate the Hatch Act of 1887 and laws supplementary thereto relating to the appropriation of Federal funds for the support of agricultural experiment stations in the States, Alaska, Hawaii, and Puerto Rico,' approved August 11, 1955 (69 Stat. 673; 7 USC 361f);"

It is noted that S. 1871 in section 4 on page 4 provides that the act shall be effective July 1, 1955, the same effective date included in the bill when it was introduced in the 1st session of the 84th Congress, on May 2, 1955. It should also be noted that in the case of mailings by the State experiment stations and the Extension Service State directors, implementation of the bill would entail "appropriations made therefor, to the Department of Agriculture." Information is not available to us at this time about the volume and classes of mail involved in the pending bill. Should S. 1871 be passed by the Congress, we would expect to make a survey in the States to establish the amount of reimbursement to be transferred from this Department to the Post Office Department. Until a survey of current operations can be made, a budget estimate formulated therefrom, and an appropriation made for the specific purpose of meeting the postage expense involved, as provided in the proposed legislation, the Department of Agriculture would not be in a position to pay the Post Office Department. For these reasons we believe the effective date of the legislation should not be retroactive to the beginning of the fiscal year now in progress, but should be fixed at the beginning of the fiscal year following enactment of the bill.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

THE SECRETARY OF COMMERCE,
Washington, D. C., May 24, 1956.

HON. TOM MURRAY,

*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in reply to your request of April 19, 1956, for the views of the Department with respect to H. R. 9562, a bill to amend the act entitled "An act to reimburse the Post Office Department for the transmission of official Government-mail matter," approved August 15, 1953 (67 Stat. 614), and for other purposes.

The Department of Commerce supports the general objective of the proposed legislation provided sufficient funds are made available to defray the cost of postage and registry heretofore covered by the free mailing privilege.

It is recommended that the retroactive provision contained in section 4 of the bill be eliminated since it would appear to serve no useful purpose at this time. Its retention in the bill would, for the most part, require additional funds for the individual agencies to cover the resulting deficiencies for fiscal year 1956. For example, this Department's Bureau of the Census estimates its deficiency under

the retroactive provision of the bill would approximate \$180,000 for fiscal year 1956.

The Bureau of the Budget has advised that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

UNITED STATES DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., May 24, 1956.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 9562), to amend the act entitled "An act to reimburse the Post Office Department for the transmission of official Government-mail matter", approved August 15, 1953 (67 Stat. 614), and for other purposes.

The bill would amend existing law relating to penalty mail so as to require the several departments and agencies of the Government to reimburse the Post Office Department for the amount of the registry fees for mail sent without prepayment of such fees.

Whether the bill should be enacted involves a question of policy concerning which this Department prefers to make no recommendation. It is noted, however, that the bill provides that it shall be effective July 1, 1955. Since funds for this purpose were not provided in the appropriations for the fiscal year 1956 and not contemplated in preparing and presenting our budget for the fiscal year 1957, it is suggested that, a more appropriate effective date be selected.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

TREASURY DEPARTMENT,
Washington, May 8, 1956.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of April 17, 1956, requesting a statement of this Department's views on H. R. 9562, to amend the act entitled "An act to reimburse the Post Office Department for the transmission of official Government-mail matter", approved August 15, 1953 (67 Stat. 614), and for other purposes.

The proposed legislation is intended to close existing loopholes in the act of August 15, 1953, cited above, which discontinued the free mailing privileges. The Treasury Department has a limited interest in the proposed legislation, and its comments are confined to those provisions.

Subsection (1) of section 3 which would be added to the act of August 15, 1953, *supra*, by the proposed legislation would in effect repeal section 3932 of the Revised Statutes (39 U. S. C. 385) which specifically exempts from the payment of registry fees new currency sent by the Treasurer of the United States to replace mutilated or other currency sent in for redemption. It is the practice of the Office of the Treasurer at the present time to issue a check for redemption payment rather than to return fresh new currency. Accordingly, the Department would have no objection to the provision.

Subsection (2) of section 3 which would be added to the act of August 15, 1953, *supra*, by the proposed legislation would in effect repeal the provision specifically exempting Government agencies from the payment of registry fees on official domestic letters or parcels. At the present time, Government agencies are exempt from the payment of registry fees on regular mail but are required to pay registry fees on airmail. The effect of the provision in the proposed legislation would be to require the payment of registry fees in all cases. This Department would have no objection to this provision. However, due to the unusually large volume of new currency shipped by the Treasurer of the United States from Washington to the Federal Reserve banks, its adoption would necessitate the obtaining of approximately \$335,000 annually to pay for registration and surcharges based on present rates.

Section 3 of the bill would amend section 306 of the act of June 25, 1948 (62 Stat. 1049) (39 U. S. C. 321n), to repeal the requirement that the head of each Government agency certify to the Postmaster General at the end of each quarter that nothing was transmitted through the mail free of postage in violation of the provisions of the section. Since all Government agencies are now required to pay postage, no purpose whatever would seem to be served by this quarterly certificate, and it can therefore be repealed.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

THE LIBRARIAN OF CONGRESS,
Washington, D. C., May 4, 1956.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington 25, D. C.*

DEAR MR. MURRAY: I have the honor to reply to your letter of April 17, 1956, requesting my comments on section 2 of H. R. 9562, which repeals section 15 of the copyright law (17 U. S. C. sec. 15).

The section proposed to be repealed permits copyright claimants to forward to the Copyright Office without payment of postage the copies of the works required by law to be deposited with the Register of Copyrights. In addition, it provides for the issuance upon request of a receipt by the postmaster to whom the articles are delivered.

I would like to call your attention to the following considerations bearing upon the proposed repeal:

1. This free mailing privilege and the requirement for the issuance of a receipt was first introduced into the law in 1855 (10 Stat. 685). It was presumably introduced in order to facilitate compliance with the statute requiring deposit of copies of copyrighted works in the Smithsonian Institution and the Library of Congress, additional to the copies required to be deposited in the district court of the district where the book was published. The provision has been retained in order to continue this facilitation, although, since 1870, there has been no requirement that any copies be sent elsewhere than to the Library of Congress.

2. The copyright claimant is currently required not only to deposit copies of the work in which he claims copyright, but also to pay a fee for registration (in the case of printed books, for example, the fee is \$4, while the claimant also deposits two copies of the best edition of his work). The revenue from copyright fees amounted in fiscal year 1955 to \$881,017, while the value of materials deposited it accepted for the collections of the Library of Congress was conservatively estimated at \$1,255,707. It may, accordingly, be suggested that relief from payment of postage on copyright deposits has been in recognition of the value of the material deposited. (For example, two sets of an encyclopedic work or of a costly art work might possess very substantial value. The postage on these would represent but a small fraction of the value accruing to the Government through the deposit of the copies.)

3. A recent sampling by the Copyright Office indicates that it receives approximately 50,000 items per year mailed free of postage under the provisions of the act. This number includes not only books and periodicals, but also pamphlets, leaflets, etc. While we have not calculated with any precision the amount of the postage charges which are relieved on these items, it appears to us that this amount would probably not exceed the sum of \$5,000 per year, and in any case would represent a very small portion of the value of the material.

4. The alternative for free postage and issuance of a receipt which is provided by the statute (17 U. S. C. 13) is that articles are to be deposited in the Copyright Office or in the mail addressed to the Register of Copyrights. It is conceivable that unless the provision for issuance of a receipt were retained in the law, depositors might fail to secure such receipts. It is also conceivable that in a certain number of cases the possession or nonpossession of a receipt might importantly affect the nature of the copyright claim.

5. As a final consideration in connection with this matter, I call to your attention that the Copyright Office is currently making basic studies looking to an overall revision of the copyright law, and that an appropriation has been allowed for this purpose. Upon completion of these studies (planned as a 3-year project) recommendations will be presented to the appropriate committees for action involving all provisions of the Copyright Act, including the provision for free mailing. In view of this fact you may feel it desirable to defer action on this provision at the present time.

I note, in passing, that a companion bill containing a similar provision, S. 1871, passed the Senate on March 19, 1956. The committee report makes no reference, however, to the section in question, nor were my views requested in connection therewith.

Sincerely yours,

L. QUINCY MUMFORD,
Librarian of Congress.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 30, 1956.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your letter of April 17, 1956, acknowledged April 18, requesting our views on H. R. 9562, entitled "A bill to amend the act entitled 'An Act to reimburse the Post Office Department for the transmission of official Government-mail matter,' approved August 15, 1953 (67 Stat. 614), and for other purposes."

One of the objectives of the proposed amendments is to correct certain omissions in the act of August 15, 1953, which were the subject of our decisions B-118079, February 1, 1954 (33 Comp. Gen. 333); B-118276, February 16, 1954 (33 Comp. Gen. 360); and B-119862, October 29, 1954. In those decisions it was held that the act of August 15, 1953, was not broad enough to repeal by implication statutes which provided for (1) free registry mail for departments and establishments of the Government, (2) the dispatch of mail without charge by agricultural experiment stations and colleges, and (3) the dispatch of mail without charge by respondents to Bureau of the Census questionnaires.

The proposed legislation will provide the necessary authority for the payment of registry fees and postage, as postal revenues, to the Post Office Department for mail transmitted under authority of the statutes enumerated therein. Since the purpose is to correct omissions in the act of August 15, 1953, and thereby further reduce the postal deficit, our Office is in complete accord with the general purpose of the bill. It is believed, however, that certain changes hereinafter suggested should be made in the bill.

Section 1, which would add sections 3 and 4 to the act of August 15, 1953, is designed to meet the above-mentioned objective by requiring payment of equivalent amounts for registry fees and postage for matter sent without prepayment under authority of specific statutes enumerated therein. The language of the proposed section 3 does not, however, clearly provide for payment by Federal departments or establishments of equivalent amounts for registry fees and postage in those cases covered by paragraphs (1), (3), and (5), which pertain to matter mailed by non-Federal organizations or persons and addressed to Federal agencies. If it is the intent that all equivalent amounts be paid from Government funds it is suggested that the word "or" be inserted before the word "Government" on line 2, page 2; that the comma after "corporations" and the words "and all other organizations and persons" be deleted from lines 2 and 3, page 2; that "a" be substituted for "the" on line 7, page 2; and the word "concerned" be deleted from lines 8 and 9, page 2. The first paragraph would then read:

"SEC. 3. There shall be paid to the Post Office Department, as postal revenue, out of the respective appropriations or funds available to the departments, agencies, establishments, or Government corporations concerned, the equivalent amount of postage or registry fees, as determined pursuant to regulations prescribed by the Postmaster General for matter sent in the mails without prepayment of postage, or without prepayment of registry fees, by a department, agency, establishment, Government corporation, organization, or person, for

which the Post Office Department otherwise does not receive compensation, under authority of the following laws:"

Section 4, as proposed to be added, would provide for payment to the Post Office Department from appropriations made therefor to the Department of Agriculture, for mail matter sent by agricultural experiment stations and colleges. It is observed that the section would not repeal the statutes listed thereunder which grant the penalty mail privilege, but would provide authority for the payment of equivalent amounts of postage by the Department of Agriculture from appropriations made therefor. Payment would thus be contingent upon an appropriation and the failure to appropriate funds would in no way affect the responsibility of the Post Office Department for the transmittal of mail under the penalty mail privilege. A change in the proposed language of paragraph numbered (1) appears necessary in view of the provisions of the act approved August 11, 1955, 69 Stat. 671, which amended the Hatch Act of March 2, 1887. Provision for the free mailing of bulletins, reports, etc., is now covered by section 6 of the Hatch Act, as amended, and therefore the figure "6" should be substituted for "4" on line 18, page 3 of the bill; a comma and the words "as amended" inserted after "1887" and "361f" substituted for "365," both on line 23, page 3.

It is noted that section 4 of the bill provides that the act shall be effective July 1, 1955. Since considerable difficulties would be encountered in applying the proposed legislation retroactively, and a supplemental appropriation would be required particularly with respect to the Department of Agriculture, it is suggested that the date be changed to July 1, 1956.

This report is furnished in triplicate as requested.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

1. *In general*

The purpose of the bill is to correct the effect of omissions in existing law providing for the reimbursement of the Post Office Department for the transmission in the mails of official mail matter of the Federal Government. These omissions now exist against the legislative background outlined below.

The basic general authority under which the respective departments, agencies, and officers of the executive and judicial branches of the Federal Government, and independent establishments of the Federal Government and Government corporations, and also certain establishments in the legislative branch (but excluding Members of Congress and certain others in the legislative branch having the franking privilege) transmit in the mails official Government mail matter is contained in sections 5 and 6 of the act of March 3, 1877 (19 Stat. 335, 336), as supplemented by section 29 of the act of March 3, 1879, as amended (23 Stat. 158; 45 Stat. 469), and by other provisions of law (see, for example, 39 U. S. C., secs. 321, 321a, and other similar provisions).

The Penalty Mail Act of 1948, which was enacted as title III of the Second Deficiency Appropriation Act, 1948 (62 Stat. 1048, 1049;

Public Law 785, 80th Cong.), provided, in effect, for a method of procurement, accounting, and reporting, and contained certain restrictions, with respect to the transmission of matter in the mails under the penalty privilege by the respective departments, agencies, and officers of the executive and judicial branches of the Federal Government, by independent establishments of the Federal Government and Government corporations and by certain establishments in the legislative branch (but excluding Members of Congress and certain others in the legislative branch having the franking privilege).

The first section of the act of August 15, 1953 (67 Stat. 614; Public Law 286, 83d Cong.), amended section 301 of the Penalty Mail Act of 1948 to provide, in effect, for the reimbursement of the Post Office Department, on the basis of the accountings required by such section 301 with respect to the transmission of matter in the mails under the penalty privilege (except the mailings by the Post Office Department), of the equivalent amount of postage due the Post Office Department on account of such transmission of mail matter, as determined pursuant to regulations prescribed by the Postmaster General. Such amendment also provided, in effect, that such reimbursement shall be made out of any appropriations or funds available to the departments, agencies, and establishments, and corporations concerned.

A special reimbursement requirement was provided by section 2 of such act of August 15, 1953, with respect to mail matter transmitted and received through the mails under the franking privilege (including registry fees if registration is required) by the Vice President of the United States, Members of Congress (including Members-elect), the Delegates from Alaska and Hawaii (including Delegates-elect), the Resident Commissioner from Puerto Rico, the Secretary of the Senate, and the Clerk of the House of Representatives. Under this requirement, the amount of such postage is reimbursed to the Post Office Department by means of an appropriation for that purpose.

With respect to the reimbursement requirement contained in section 301 of the Penalty Mail Act of 1948, as amended by the first section of the act of August 15, 1953, and applicable to the respective departments, agencies, officers, establishments, and corporations of the Federal Government generally (other than the legislative branch) and also to certain establishments in the legislative branch (but excluding Members of Congress and certain others in the legislative branch having the franking privilege), decisions by the Comptroller General of the United States in several cases involving the language and legislative history of such requirement have disclosed the following omissions.

First, the reimbursement provision of section 301 of the Penalty Mail Act of 1948, as amended by the first section of the act of August 15, 1953, does not repeal the laws providing for free registered mail service for the respective departments, agencies, officers, establishments, and corporations of the Federal Government (33 Comp. Gen. 333). Consequently, the Post Office Department now renders free registered mail service for the respective departments, agencies, and officers in the executive and judicial branches of the Federal Government, for independent establishments and corporations of the Federal Government, and for certain establishments in the legislative branch (excluding Members of Congress and certain others having the franking privilege). The Post Office Department receives reimbursement,

however, for registered mail service rendered to Members of Congress and certain others having the franking privilege because of section 2 of the act of August 15, 1953, which provides that the Post Office Department shall be reimbursed for postage, "including registry fees if registration is required", on mail matter sent and received through the mails under the franking privilege by such Members and other persons.

Second, the reimbursement provision of section 301 of the Penalty Mail Act of 1948, as amended by the first section of the act of August 15, 1953, does not apply with respect to the free mailing privileges provided by law for State agricultural experiment stations and State Extension Service directors (33 Comp. Gen. 360). Therefore, the executive department concerned—the Department of Agriculture—is not authorized, at the present time, to reimburse the Post Office Department, out of appropriations or funds available to the Department of Agriculture, for the cost of the free mailings relating to agricultural extension work under section 6 of the act of March 2, 1887, as amended (69 Stat. 673; 7 U. S. C., sec. 361f), section 3 of the act of August 30, 1890 (26 Stat. 418; 7 U. S. C., sec. 325), and a certain proviso contained in the act of June 30, 1914 (38 Stat. 438; 39 U. S. C., sec. 330).

Third, the reimbursement provision of section 301 of the Penalty Mail Act of 1948, as amended by the first section of the act of August 15, 1953, does not apply with respect to the free transmission in the mails, under authority of section 10 of title 13 of the United States Code, of matter relating to any collection of statistics, any survey, or any census taken by the Department of Commerce or a bureau or agency thereof (B-119862, October 29, 1954). Consequently, the Department of Commerce is not authorized, at the present time, to reimburse the Post Office Department, out of appropriations or funds available to the Department of Commerce, for the cost of the free transmission of such matter under section 10 of title 13 of the United States Code.

In addition to the omissions discussed above, certain other provisions of law indicate the existence of other omissions with respect to the application of the reimbursement provision of section 301 of the Penalty Mail Act of 1948, as amended by the first section of the act of August 15, 1953.

First, section 3932 of the Revised Statutes (39 U. S. C., sec. 385) indicates the existence of authority for the transmission in the mails, without reimbursement to the Post Office Department for registry fees, of letters containing currency of the United States sent by mail to the Treasurer of the United States for redemption.

Second, the two provisos contained in the second sentence of section 306 of the Penalty Mail Act of 1948 as now in effect (62 Stat. 1049; 39 U. S. C., sec. 321n) indicate the existence of authority for the transmission in the mails, without reimbursement to the Post Office Department, of (1) lists of agricultural bulletins, lists of public documents offered for sale by the Superintendent of Documents, Government Printing Office, or of announcements of publications of maps, atlases, and certain statistical and other reports offered for sale by the Federal Power Commission and (2) books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries or to Federal, State, or other public authorities.

Third, section 345 of the Immigration and Nationality Act (66 Stat. 266; 8 U. S. C., sec. 1456) indicates the existence of authority for the transmission in the mails, without reimbursement to the Post Office Department for postage and registry fees, of all mail matter relating to naturalization required by law or regulation to be sent to the Immigration and Naturalization Service by clerks of court.

Fourth, section 15 of title 17 of the United States Code indicates the existence of authority for the transmission in the mails of articles to the Register of Copyrights, Library of Congress, without cost to the copyright claimant and without reimbursement to the Post Office Department.

The omissions discussed in this analysis with respect to the application of such reimbursement requirement are, therefore, of the following types:

(1) Omissions with respect to reimbursement of the Post Office Department, out of applicable appropriations or funds available, for registered mail service rendered by the Post Office Department to the Federal Government generally (except Members of Congress and other persons in the legislative branch having the franking privilege with respect to whom reimbursement is made under sec. 2 of the act of August 15, 1953).

(2) Omissions with respect to reimbursement of the Post Office Department, out of applicable appropriations or funds available, of the equivalent amount of postage due on mail matter sent by certain agencies of the Federal Government under specific statutes (for example, under the existing two provisos in the second sentence of sec. 306 of the Penalty Mail Act of 1948).

(3) Omissions with respect to reimbursement of the Post Office Department, out of Federal Government funds, for registered mail service rendered by the Post Office Department to persons and organizations outside the Federal Government authorized by specific statutes to have free registered mail service (for example, in connection with census activities under sec. 10 of title 13 of the United States Code and naturalization processes under sec. 345 of the Immigration and Nationality Act).

(4) Omissions with respect to reimbursement of the Post Office Department, out of Federal Government funds, of the equivalent amount of postage due on mail matter sent by persons and organizations outside the Federal Government authorized by specific statutes to send matter free through the mails—for example, under section 10 of title 13 of the United States Code (census), section 15 title 17 of the United States Code (mailings to Register of Copyrights by copyright claimants), section 345 of the Immigration and Nationality Act (naturalization), and section 6 of the act of March 2, 1887, section 3 of the act of August 30, 1890, and a certain proviso in the act of June 30, 1914 (agricultural extension work).

In order to rectify the omissions herein discussed by providing, in these instances, for the reimbursement of the Post Office Department, out of Federal Government funds, for registered mail service and transmission of mail generally, the bill makes correcting amendments to the Penalty Mail Act of 1948 and the act of August 15, 1953.

2. *Amendment to the Act of August 15, 1953 (67 Stat. 614; Public Law 286, 83d Cong.)*

The first section of the bill amends the act of August 15, 1953, by adding three new sections at the end thereof—sections 3, 4, and 5. It is the purpose of these sections to correct the omissions heretofore discussed.

The new section 3 of the act of August 15, 1953, provides that there shall be paid to the Post Office Department the equivalent amount of postage or registry fees for matter sent in the mails without prepayment of postage or without prepayment of registry fees by or to a department, agency, establishment or Government corporation under authority of certain provisions of law.

These provisions of law, which are listed in the new section 3, are as follows:

(1) Section 3932 of the Revised Statutes (39 U. S. C., sec. 385) which provides for the transmission in the mails, without payment of registry fees, of all letters containing currency of the United States sent by mail to the Treasurer of the United States for redemption and all letters sent by mail by the Treasurer containing new currency for currency redeemed.

(2) The proviso added by section 2 of the act of May 1, 1928 (45 Stat. 469; 39 U. S. C., sec. 321a), to section 29 of the act of March 3, 1879, as amended, which provides for the registration, without payment of registry fees, of official letters and parcels required to be registered "by any executive department or bureau thereof, or independent Government institution, located at Washington, District of Columbia, or by the Public Printer".

(3) Section 10 of title 13 of the United States Code, which provides for the transmission in the mails, free of postage and without payment of registry fees, of matter relating to any collection of statistics, any survey, or any census taken by the Department of Commerce or a bureau or agency thereof.

(4) The second sentence of section 306 of the Penalty Mail Act of 1948 (as amended by sec. 2 (b) of the bill), which provides for (A) the transmission in the mails, as penalty mail, of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions, to public libraries, or to Federal, State, or other public authorities, and (B) the transmission in the mails, as penalty mail, of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, Government Printing Office, or announcements of publications of certain maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission.

(5) Section 345 of the Immigration and Nationality Act (66 Stat. 266; 8 U. S. C., sec. 1456) which provides for the transmission in the mails, free of postage and "if necessary, by registered mail without fee," all mail matter relating to naturalization (including duplicate papers) required by law or regulation to be sent to the Immigration and Naturalization Service by clerks of court.

For the information of the House, the texts of the above-specified provisions of law are set forth in this report as item B of "Matters for the Information of the House".

The new section 3 further provides, in effect, that each equivalent amount of postage or registry fees required to be reimbursed to the

Post Office Department under authority of such section 3 shall be determined pursuant to regulations prescribed by the Postmaster General and, when paid, shall be held and considered to be postal revenue and available for the same purposes as other amounts constituting postal revenue.

It should be noted also that the new section 3 provides that such equivalent amount of postage or registry fees shall be paid out of appropriations or funds available to the department, agency, establishment, or Government corporation concerned and shall be a necessary expense of the appropriations, funds, and activities concerned.

The new section 3 added to the act of August 15, 1953, by the bill as reported by the House committee is, in substance, the same as the new section 3 added to such Act by the bill as passed the Senate. The changes in the language of such section 3 made by the bill as reported by the House committee are of a technical and clarifying nature only.

The new section 4 of the act of August 15, 1953, provides, in effect, that there shall be paid by the Department of Agriculture to the Post Office Department the equivalent amount of postage for matter sent in the mails, without prepayment of postage, in connection with agricultural extension work by State agricultural experiment stations and colleges and others under authority of certain provisions of law.

These provisions of law, which are listed in the new section 4, are as follows:

(1) Section 6 of the act of March 2, 1887, as amended (69 Stat. 673; 7 U. S. C., sec. 361f), which provides that bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of researches and experiments in connection with work of agricultural experiment stations "shall be transmitted in the mails of the United States under penalty indicia".

(2) Section 3 of the act of August 30, 1890 (26 Stat. 418; 7 U. S. C., sec. 325), which provides that copies of certain reports of certain colleges to the Federal Government containing certain statistics and information (including agricultural information) shall be transmitted by mail free to certain other colleges.

(3) A certain proviso contained in the act of June 30, 1914 (38 Stat. 438; 39 U. S. C., sec. 330), which is to the effect that certain correspondence, bulletins, and reports relating to agricultural extension work of colleges "may be transmitted in the mails of the United States free of charge for postage" by such college officer or other person connected with the extension department of any such college as the Secretary of Agriculture may designate to the Postmaster General.

For the information of the House, the texts of the above-mentioned provisions of law are set forth in this report as item B of "Matters for the Information of the House".

The new section 4 further provides, in effect, that the equivalent amount of postage required to be paid to the Post Office Department under authority of such section 4 shall be determined pursuant to regulations prescribed by the Postmaster General and, when paid, shall be held and considered to be postal revenue and available for the same purposes as other amounts constituting postal revenue.

The new section 4 also provides that such equivalent amount of postage shall be paid out of appropriations made to the Department of Agriculture for the purpose of effecting such payment.

Except for technical changes in language, the new section 4 added to the act of August 15, 1953, by the bill as reported by the House committee is the same as the new section 4 added to such act by the bill as passed the Senate.

The first section of the bill as reported by the House committee also adds a new section 5 to the act of August 15, 1953.

The new section 5 provides that there shall be paid by the Library of Congress to the Post Office Department the equivalent amount of postage for matter sent in the mails without prepayment of postage under authority of section 15 of title 17 of the United States Code, which now provides for the transmission in the mails of articles to the Register of Copyrights, Library of Congress, without cost to the copyright claimant and without reimbursement to the Post Office Department.

The new section 5 further provides, in effect, that such equivalent amount of postage (1) shall be determined pursuant to regulations prescribed by the Postmaster General, (2) when paid, shall be held and considered to be postal revenue and available for the same purposes as other amounts constituting postal revenue, and (3) shall be paid out of appropriations made to the Library of Congress for the purpose of effecting such payment.

In lieu of adding a new section 5 to the act of August 15, 1953, requiring reimbursement by the Library of Congress to the Post Office Department of an equivalent amount of postage for the free transmission in the mails of articles mailed by a copyright claimant under section 15 of title 17 of the United States Code, the provisions of section 2 of the bill as passed the Senate provided, in effect, for the payment of postage directly by the copyright claimant in such cases by repealing such section 15.

However, the official comments of the Librarian of Congress, which were requested by this committee with respect to the proposed repeal of section 15 of title 17 of the United States Code, have disclosed the existence of considerations which, in the opinion of this committee, indicate the advisability and desirability of providing for the reimbursement of the Post Office Department by the Library of Congress of the equivalent amount of postage for such mailings in the manner provided by the bill as reported by this committee. These considerations are set forth in the letter containing the official comment of the Librarian of Congress which is included in this report.

3. Amendments to section 306 of the Penalty Mail Act of 1948 (62 Stat. 1049; 39 U. S. C., sec. 321n)

Section 2 of the bill as reported by the House committee makes two amendments to section 306 of the Penalty Mail Act of 1948 in order that the provisions of such section 306 will reflect more accurately the state of the law with respect to payment by Government agencies of the costs of penalty mail as a result of the enactment of the act of August 15, 1953, and the amendments made thereto by the act of March 29, 1956 (70 Stat. 63; Public Law 451, 84th Cong.), and by this bill.

The first sentence of such section 306 now provides generally that "no executive department or independent establishment of the Government" shall transmit through the mail, free of postage, certain categories of articles and documents (with certain exceptions) unless such transmission is requested, is required by law, or is utilized to

inform the recipient with respect to a statute, rule, regulation, or order to which he is subject. However, it should be noted that nothing contained in the amendments made by section 2 of the bill as passed by the Senate and reported by the House committee in any way changes this prohibition in the first sentence of such section 306.

Subsection (a) of section 2 of the bill as reported by the House committee amends this provision by striking out the words "free of postage" and inserting the words "as penalty mail" in order that this provision will reflect existing law to the effect that mailings by Government agencies under the penalty privilege are no longer "free of postage" and that the equivalent amount of postage thereon is required to be paid by such agencies to the Post Office Department.

The second sentence of such section 306 now provides generally that "the head of each independent establishment and executive department (other than the Post Office Department)" shall certify to the Postmaster General at the end of each quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of section 306. Such sentence also contains an exception with respect to the mailing, free of postage, of (1) certain material offered for sale by the Superintendent of Documents, (2) maps, reports, and other material for sale by the Federal Power Commission, and (3) certain books, reports, and other material sent to educational institutions or public libraries or Federal, State, or other public authorities.

Subsection (b) of section 2 of the bill as reported by the House committee amends this second sentence in two respects:

First, such subsection (b) eliminates the existing reference to transmission "free of postage" and makes reference to transmission "as penalty mail" for the same purpose as specified above in connection with the amendment made by the bill to the first sentence of such section 306.

Second, such subsection (b) eliminates the requirement of quarterly certifications as unnecessary in view of the fact that Government agencies generally are required to reimburse the Post Office Department under the act of August 15, 1953, as amended, for the transmission of mail under the penalty privilege. The elimination of this quarterly certification requirement also is consistent with the purpose of the act of March 29, 1956 (70 Stat. 63; Public Law 451, 84th Cong.), which repealed as unnecessary (in view of the fact that penalty mail now is generally paid for) the requirement formerly contained in section 301 of the Penalty Mail Act of 1948 of an annual accounting by Government agencies and others to the Postmaster General of the number of envelopes, labels, wrappers, cards, and other articles bearing the penalty indicia on hand at the close of each fiscal year.

Except for necessary technical adjustments in language for purposes of clarification, the provisions of section 306 of the Penalty Mail Act of 1948, as amended by section 3 of the bill as passed by the Senate, are the same as the provisions of such section 306 as amended by section 2 of the bill as reported by the House committee.

4. Effective date

Section 3 of the bill as reported by the House committee provides an effective date for the amendment made by the first section of the bill to the act of August 15, 1953, and the amendments made by sec-

tion 2 of the bill to the Penalty Mail Act of 1948. This effective date is July 1, 1956.

Section 4 of the bill as passed the Senate provided an effective date of July 1, 1955.

As previously stated in this report, this change in the effective date is made by the bill as reported by the House committee in order to avoid the occurrence of administrative difficulties in connection with the retroactive application of the provisions of the bill with respect to a past fiscal year (including the need for supplemental appropriations by the Congress for reimbursement purposes) if the effective date of July 1, 1955, were retained.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as passed by the Senate, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 15, 1953

(67 Stat. 614; Public Law 286, 83d Cong.)

AN ACT To reimburse the Post Office Department for the transmission of official Government-mail matter

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Penalty Mail Act of 1948 (62 Stat. 1048) is amended by the addition of a sentence as follows: "Based on such accountings, there shall be transferred to the Post Office Department as postal revenue, out of any appropriations or funds available to the departments, agencies, and establishments concerned, the equivalent amount of postage due therefor, as determined pursuant to regulations prescribed by the Postmaster General."

SEC. 2. The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members, and Members-elect of Congress, the Delegates and Delegates-elect from Alaska and Hawaii, the Resident Commissioner from Puerto Rico, the Secretary of the Senate, and the Clerk of the House of Representatives, including registry fees if registration is required, shall be paid by a lump-sum appropriation to be made to the Post Office Department for that purpose, and the amount of such lump-sum appropriation shall be credited to the Post Office Department as postal revenue.

SEC. 3. *There shall be paid to the Post Office Department, as postal revenue, out of the respective appropriations or funds, available to the departments, agencies, establishments, Government corporations, and all other organizations and persons concerned, the equivalent amount of postage or registry fees, as determined pursuant to regulations prescribed by the Postmaster General for matter sent in the mails without prepayment of postage, or without prepayment of registry fees, by the department, agency, establishment, Government corporation, organization,*

or person concerned, for which the Post Office Department otherwise does not receive compensation, under authority of the following laws:

- (1) Section 3932 of the Revised Statutes (39 U. S. C. 385);
- (2) That part of section 3 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1885, and for other purposes", approved July 5, 1884 (23 Stat. 158), as amended by section 2 of the Act entitled "An Act authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes", approved May 1, 1928 (45 Stat. 469), and codified in section 321a of title 39, United States Code;
- (3) Section 10 of title 13, United States Code (sec. 1, ch. 1158, 68 Stat. 1012, 1014);
- (4) The first and second provisos of section 306 of title III of the Act entitled "An Act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1948, and for other purposes", approved June 25, 1948 (62 Stat. 1049; 39 U. S. C. 321n); and

(5) Section 345 of the Act entitled "An Act to revise the laws relating to immigration, naturalization, and nationality; and for other purposes", approved June 27, 1952 (66 Stat. 266; 8 U. S. C. 1456).

Such payments shall be regarded as a necessary expense of the respective appropriations and activities.

SEC. 4. There shall be paid to the Post Office Department, as postal revenue, out of appropriations made therefor, to the Department of Agriculture, the equivalent amount of postage, as determined pursuant to regulations prescribed by the Postmaster General for matter sent in the mails without prepayment of postage pursuant to the following laws:

(1) Section 4 of the Act entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto", approved March 2, 1887 (24 Stat. 441; 7 U. S. C. 365);

(2) Section 3 of the Act entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two", approved August 30, 1890 (26 Stat. 418; 7 U. S. C. 325); and

(3) The proviso in the third paragraph under "General Expenses, Offices of Experiment Stations" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915", approved June 30, 1914 (38 Stat. 438; 39 U. S. C. 330).

SECTION 15 OF TITLE 17 OF THE UNITED STATES CODE

§ 15. Same; postmaster's receipt; transmission by mail without cost.

[The postmaster to whom are delivered the articles deposited as provided in sections 12 and 13 of this title shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant. (July 30, 1947, ch. 391, § 1, 61 Stat. 652).]

SECTION 306 OF THE PENALTY MAIL ACT OF 1948

(62 Stat. 1049; 39 U. S. C., sec. 321n)

SEC. 306. No executive department or independent establishment of the Government shall transmit through the mail, [free of postage] *as penalty mail*, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulations, or order to which he is subject. [The head of each independent establishment and executive department (other than the Post Office Department) shall certify to the Postmaster General at the end of each quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided, That*] nothing herein shall be construed to prohibit the mailing [free of postage] *as penalty mail* of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Public Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16 U. S. C.: *Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

MATTERS FOR THE INFORMATION OF THE HOUSE

A. For the information of the House, changes in existing law made by the bill, as reported by the House committee, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 15, 1953

(67 Stat. 614; Public Law 286, 83d Cong.)

AN ACT To reimburse the Post Office Department for the transmission of official Government-mail matter

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Penalty Mail Act of 1948 (62 Stat. 1048) is amended by the addition of a sentence as follows: "Based on such accountings, there shall be transferred to the Post Office Department as postal revenue, out of

any appropriations or funds available to the departments, agencies, and establishments concerned, the equivalent amount of postage due therefor, as determined pursuant to regulations prescribed by the Postmaster General."

SEC. 2. The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members, and Members-elect of Congress, the Delegates and Delegates-elect from Alaska and Hawaii, the Resident Commissioner from Puerto Rico, the Secretary of the Senate, and the Clerk of the House of Representatives, including registry fees if registration is required, shall be paid by a lump-sum appropriation to be made to the Post Office Department for that purpose, and the amount of such lump-sum appropriation shall be credited to the Post Office Department as postal revenue.

SEC. 3. *There shall be paid to the Post Office Department, as postal revenue, out of any appropriations or funds available to each department, agency, establishment, or Government corporation concerned and as a necessary expense of such appropriations and funds and of the activities concerned, the equivalent amount of postage or registry fees, as determined pursuant to regulations prescribed by the Postmaster General, for matter sent in the mails, without prepayment of postage or without prepayment of registry fees, by or to such department, agency, establishment, or corporation, for which the Post Office Department does not otherwise receive compensation, under authority of the following provisions of law:*

- (1) Section 3932 of the Revised Statutes (39 U. S. C., sec. 385);
- (2) The proviso added by section 2 of the Act of May 1, 1928 (45 Stat. 469; 39 U. S. C., sec. 321a), to section 29 of the Act of March 3, 1879, as amended (20 Stat. 362; 23 Stat. 158; 28 Stat. 412; 29 Stat. 590);
- (3) Section 10 of title 13 of the United States Code;
- (4) The second sentence of section 306 of the Penalty Mail Act of 1948 (62 Stat. 1049; 39 U. S. C., sec. 321n); and
- (5) Section 345 of the Immigration and Nationality Act (66 Stat. 266; 8 U. S. C., sec. 1456).

SEC. 4. *There shall be paid to the Post Office Department, as postal revenue, out of appropriations made to the Department of Agriculture for such purpose, the equivalent amount of postage, as determined pursuant to regulations prescribed by the Postmaster General, for matter sent in the mails without prepayment of postage under authority of the following provisions of law:*

- (1) Section 6 of the Act entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto", approved March 2, 1887, as amended (69 Stat. 673; 7 U. S. C., sec. 361f);
- (2) Section 3 of the Act entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two", approved August 30, 1890 (26 Stat. 418; 7 U. S. C., sec. 325); and
- (3) The proviso contained in the third paragraph under the heading "General Expenses, Office of Experiment Stations" under the caption "Office of Experiment Stations" in the Act entitled "An Act making

appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 438; 39 U. S. C., sec. 330).

SEC. 5. There shall be paid to the Post Office Department, as postal revenue, out of appropriations made to the Library of Congress, for such purpose, the equivalent amount of postage, as determined pursuant to regulations prescribed by the Postmaster General, for matter sent in the mails without prepayment of postage under authority of section 15 of title 17 of the United States Code.

SECTION 306 OF THE PENALTY MAIL ACT OF 1948

(62 Stat. 1049; 39 U. S. C., sec. 321n)

SEC. 306. No executive department or independent establishment of the Government shall transmit through the mail **[** free of postage, **]** as penalty mail any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. **[**The head of each independent establishment and executive department (other than the Post Office Department) shall certify to the Postmaster General at the end of each quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Public Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16 U. S. C.: *Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.**]** *Nothing contained in this section shall be construed to prohibit (1) the transmission in the mail, as penalty mail, of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions, to public libraries, or to Federal, State, or other public authorities and (2) the transmission in the mail, as penalty mail, of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, Government Printing Office, or announcements of publications of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission under authority of section 312 of the Federal Power Act (16 U. S. C., sec. 825k).*

B. For the information of the House, the provisions of law referred to in the amendments made by the bill, as reported by the House committee, are set forth below:

SECTION 3932 OF THE REVISED STATUTES

(39 U. S. C., sec. 385)

SEC. 3932. Under such regulations as the Postmaster-General may prescribe, all postmasters are authorized to register in the manner prescribed by law, but without payment of any registration fee, all letters containing fractional or other currency of the United States, which shall be by them sent by mail to the Treasurer of the United States for redemption; and the postmaster at the city of Washington, in the District of Columbia, shall register, in like manner, without charge, all letters containing new currency returned for currency redeemed, which shall be received by him from the Treasurer, in sealed packages, marked with the word "register" over the official signature of the said Treasurer.

PROVISO ADDED BY SECTION 2 OF THE ACT OF MAY 1, 1928 (45 STAT. 469; 39 U. S. C., SEC. 321A), TO SECTION 29 OF THE ACT OF MARCH 3, 1879, AS AMENDED

* * *: *Provided further*, That any official domestic letter or parcel to be registered by any executive department or bureau thereof, or independent Government institution, located at Washington, District of Columbia, or by the Public Printer, which requires registration may be registered without the payment of any registry fee.

SECTION 10 OF TITLE 13 OF THE UNITED STATES CODE

§ 10. Mail matter.

The Post Office Department shall transmit free of postage, and by registered mail if necessary, and so marked, all mail matter, of whatever class or weight, relating to any collection of statistics, survey, or census provided for by this title and addressed to the Department of Commerce or to any bureau or agency thereof authorized by the Secretary to make such collection or survey or to take such census, or addressed to any official thereof, and endorsed "Official business", followed by the name of such Department, bureau, or agency, as the case may be. (Aug. 31, 1954, ch. 1158, § 1, 68 Stat. 1014.)

SECTION 345 OF THE IMMIGRATION AND NATIONALITY ACT (66 STAT. 266; 8 U. S. C., SEC. 1456)

MAIL RELATING TO NATURALIZATION TRANSMITTED FREE OF POSTAGE
AND REGISTERED

SEC. 345. All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of

Justice or the Service, or any official thereof, and endorsed "Official Business", shall be transmitted free of postage and, if necessary, by registered mail without fee, and so marked.

SECTION 6 OF ACT OF MARCH 2, 1887, AS AMENDED

(69 Stat. 673; 7 U. S. C., sec. 361f)

SEC. 6. Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of the researches and experiments, including lists of publications available for distribution by the experiment stations, shall be transmitted in the mails of the United States under penalty indicia: *Provided, however,* That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe. Such publications may be mailed from the principal place of business of the station or from an established subunit of said station.

SECTION 3 OF THE ACT OF AUGUST 30, 1890

(26 Stat. 418; 7 U. S. C., sec. 325)

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

PROVISO CONTAINED IN THIRD PARAGRAPH UNDER HEADING "GENERAL EXPENSES, OFFICE OF EXPERIMENT STATIONS" UNDER CAPTION "OFFICE OF EXPERIMENT STATIONS" IN THE ACT OF JUNE 30, 1914

(38 Stat. 438; 39 U. S. C., sec. 330)

* * * : *Provided*, That all correspondence, bulletins, and reports for the furtherance of the purposes of the Act approved May eighth, nineteen hundred and fourteen, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and the Acts supplementary thereto, and the United States Department of Agriculture", may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General; * * *

SECTION 15 OF TITLE 17 OF THE UNITED STATES CODE

§ 15. Same; postmaster's receipt; transmission by mail without cost.

The postmaster to whom are delivered the articles deposited as provided in sections 12 and 13 of this title shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant. (July 30, 1947, ch. 391, § 1, 61 Stat. 652.)

C. For the information of the House, the decisions of the Comptroller General referred to in the section-by-section analysis of the bill, as reported, are set forth below.

DECISIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES

(33 Comp. Gen. 333)

[B-118079]

Appropriations—Availability—Registry Fees on Official Domestic Letters and Parcels—Post Office Department—Registered Mail Cost Reimbursement

The laws which provide for free registry service for the Government agencies in Washington, D. C., have not been repealed by the act of August 15, 1953, which amended the Penalty Mail Act of 1948, by requiring agencies to reimburse the Post Office Department the equivalent of postage on penalty mail, nor by section 12 of the act of October 30, 1951, which authorized the Postmaster General to prescribe by regulation the fees to be charged for registry of mail matter, and therefore agency appropriations are not available for the payment of registry fees on such mail.

Comptroller General Warren to the Postmaster General, February 1, 1954

Further reference is made to the letter of the Assistant Secretary of State to this Office dated December 17, 1953, upon which you furnished an expression of your views under date of January 13, 1954, with respect to the applicability of Public Law 286, 83d Congress

(67 Stat. 614), to registry fees on official domestic letters and parcels mailed at Washington, D. C.

Section 1 of Public Law 286, amending the Penalty Mail Act of 1948 (39 U. S. C. 321i) authorizes the transfer of amounts equivalent to postage on penalty mail from any appropriations or funds available to the departments, agencies and establishments of the Government to the Post Office Department for credit to postal revenues, based on the accountings required by 39 U. S. C. 321i.

It is the view of your Department that the departments and agencies of the Government—which previously were entitled to free registration of official mail under 89 U. S. C. 321a; *id.* 337; 8 U. S. C. 743, and other similar statutes—must now pay to the Post Office Department the prescribed registry fees. However, upon careful and thorough consideration of the entire matter, and with due regard to the contentions and views advanced in your letter of January 13, 1954, it is my opinion that the various statutes extending free registration privileges still remain in full force and effect.

It is contended in said letter of January 13, that, since section 2 of Public Law 286 requires that postage on franked official mail of members and officials of the Congress, including registry fees if registration is required, be paid by a lump-sum appropriation for credit to postal revenues, it is not likely that the Congress intended to impose a lesser obligation on the various departments and agencies. The letter recognizes that section 1 of the act provides expressly for the recovery of *postage* only on official mail, without any mention of registry fees. Also, it is recognized that there is no objective evidence in the legislative history of the law as to the reason for the omission. However, in such connection the following argument is presented:

"One very good reason for not expressly including registry fees in that section would be that section 12, title I, of the act of October 30, 1951 (39 U. S. C. 246f) authorized the Postmaster General to prescribe the fees which shall be charged for the registry of mail matter. Title 39 U. S. C. 321a and 337, 8 U. S. C. 743 and similar laws are laws governing fees for the registry service. They could, therefore, be superseded by regulations issued by the Postmaster General. Thus, it was unnecessary to include specific provision for the recovery of such fees. On the other hand, since Members of Congress did not previously enjoy the privilege of free registration, Congress covered such fees in section 2 of Public Law 286 by providing they should be included in the lump-sum appropriation provided therein.

"If originally there was any doubt as to the Department's authority to prescribe under 39 U. S. C. 246f fees for registered mailings covered by such laws as are cited above, that doubt would be removed by Congress' action in enacting Public Law 286 in contemplation thereof."

Section 12 of the act of October 30, 1951 (65 Stat. 676), provides in pertinent part, as follows:

"SEC. 12. (a) The Postmaster General is authorized to prescribe by regulation from time to time the fees which shall be charged by the postal service—

"(1) for the registry of mail matter:

* * * * *

"(b) Regulations issued by the Postmaster General under subsection (a) shall, to the extent prescribed therein, supersede existing laws, regulations, and orders governing the fees for the services covered thereby."

There is nothing in said section nor does there appear to be any other provision in said public law expressly repealing or providing specifically for the subsequent repeal of the laws providing free registry service for the establishments and departments in Washington. It is well settled, of course, that repeals by implication will not be presumed to have been intended unless there is a clear intent on the part of the legislature to effect such a repeal. There must be, in fact, a positive repugnance between the new statute and the old. See *United States v. Borden Company* (308 U. S. 187). Nothing has been found in the legislative history of the act of October 30, 1951, indicating in any way an intention on the part of Congress that the free registration statutes were to come within the purview of section 12 (b) or that such statutes were even considered in connection with the enactment of such section. Rather, the authority granted therein to fix registry fees by regulation appears to pertain to situations where the payment of some registry fee otherwise was required by law. Moreover, it cannot be concluded that there is any repugnance between the authority granted in section 12 (b) and the existence of the free registry privilege between departments and agencies, since the right of the departments and agencies to the free registry service has existed for years alongside the obligation of other users of the mail to pay the registry service fees. Furthermore, there has been noted the provisions of section 13 of the referred-to act of October 30, 1951, which established the Joint Committee of the Postal Service for the purpose of making a study and investigation of, among other things, the expenditures for postal services being performed for other departments and agencies of the Government but which were being charged to the Post Office Department. By Senate Resolution approved March 6, 1953, such studies and investigation were continued and there is now pending Senate Resolution 197, 83d Congress, for the continuation of such studies up to March 30, 1954. For the foregoing reasons, it cannot be concluded that Congress has authorized the payment of registry fees by departments and establishments pursuant to regulations of the Post Office Department where free registry service has existed under prior laws. Therefore, I am constrained to hold that, in the absence of further legislation, the appropriations of the State Department are not available for the payment of registry fees on domestic mails and parcels mailed in Washington, D. C.

A copy of this decision is being furnished to the Secretary of State for the guidance of his Department.

(33 Comp. Gen. 360)

[B-118276]

POST OFFICE DEPARTMENT—MAILS—PENALTY MAIL COSTS

The act of Aug. 15, 1953, which amended the Penalty Mail Act of 1948 by requiring only departments, agencies, and establishments of the Government to reimburse the Post Office Department with an equivalent amount of postage due therefor, is not applicable to State Agricultural Experiment Stations and State Extension Directors, so that the free mailing privileges authorized for such organizations by the acts of March 2, 1887, and June 30, 1914, are not affected by the act of Aug. 15, 1953, and therefore the Department of Agriculture appropriations for the Extension Service are not available to reimburse the Post Office Department for the cost of mail.

Comptroller General Warren to the Secretary of Agriculture, February 16, 1954:

Reference is made to letter dated January 7, 1954, from the Assistant Secretary of Agriculture, requesting a decision as to the applicability of Public Law 286, 83d Congress (67 Stat. 614), to the free mailing privileges held by State Extension Service Directors under the act of June 30, 1914 (38 Stat. 438; 39 U. S. C. 330), and by State Experiment Stations under section 4 of the act of March 2, 1887 (24 Stat. 441; 7 U. S. C. 365). There was enclosed with the said letter, a copy of letter of October 29, 1953, from Mr. Charles R. Hook, Jr., Acting Postmaster General, to the Assistant Secretary of Agriculture, in which the view is expressed that even though the free mailing privileges in question were extended to the State organizations, the Department of Agriculture is the department concerned within the meaning of Public Law 286 and as such should reimburse the Post Office Department from its appropriations for such mailings.

Section 301 of the Penalty Mail Act of 1948 (62 Stat. 1048) provides:

"All envelopes, labels, wrappers, cards, and other articles, bearing the indicia prescribed by law for matter mailed free of postage under the penalty privilege by all executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, shall be procured or accounted for through the Postmaster General under such regulations as he shall prescribe. The head of each such department, agency, establishment, or other organization, or each such person, shall submit to the Postmaster General within sixty days after the close of each fiscal year a statement showing the number of envelopes, labels, wrappers, cards, and other articles bearing such indicia on hand at the close of such fiscal year."

Public Law 286 amended said section 301 by the addition of the following sentence:

"Based on such accountings, there shall be transferred to the Post Office Department as postal revenue, out of any appropriation or funds available to the departments, agencies, and establishments concerned, the equivalent amount of postage due therefor, as determined pursuant to regulations prescribed by the Postmaster General."

It is stated in the letter of the Assistant Secretary that the State organizations here involved comply with the inventory requirements of section 301 directed to the "head of each such department, agency, establishment, or other organization, or each such person." However,

inasmuch as the new sentence as added by Public Law 286 requires transfer of equivalent amount of postage only in the case of "departments, agencies, and establishments concerned," it is stated to be the view of your department that the State Agricultural Experiment Stations and State Extension Service Directors fall into the category of "all other organizations and persons," and are not included within the scope of Public Law 286.

The authority to mail free of charge for postage correspondence, reports, and bulletins relating to Agricultural Extension Work was granted under the provisions of 39 U. S. C. 330 to the college officer or other person connected with extension departments of agricultural colleges as the Secretary of Agriculture may designate, and by 7 U. S. C. 365 to State agricultural experiment stations. These organizations, while financed in part by Federal payments to States, are State organizations and as such must be considered "other organizations and persons," as used in the first and second sentences of section 301 of the Penalty Mail Act of 1948. Since the new sentence, as added by Public Law 286, is by its terms directed only to "departments, agencies, and establishments" which are more fully designated in the first sentence of section 301 as executive departments and agencies and independent establishments of the Government, reimbursement for the cost of mail authorized to be sent free of charge of postage is not required with respect to the aforementioned State organizations. It therefore follows, since reimbursement for such mailings is not required by Public Law 286, that appropriations of the Department of Agriculture may not be used to reimburse the Post Office Department for the cost thereof.

There has not been overlooked the original draft of H. R. 6281 (now Public Law 286) which contained language specifically repealing the sections of the act of June 30, 1914, and the act of March 2, 1887, here in question. However, H. R. 6281 as reported out by the House Committee on Post Office and Civil Service, Report No. 1004, and as enacted, did not contain those repealing provisions and it is well settled that repeals by implication will not be presumed to have been intended unless there is a clear intent on the part of the legislative to effect such a repeal. No such intent to repeal the free mailing privileges here involved is evident but conversely it appears that the intent to require reimbursement was to extend only to Federal departments, agencies, and establishments. This intent is indicated in the aforementioned Report 1004, wherein it is stated that the language "in effect requires all Government departments, agencies, and establishments (including Government corporations) to reimburse the Post Office Department in amounts equivalent to the amount of postage on their penalty mail."

For the foregoing reasons, it is concluded that Public Law 286 is inapplicable to the free mailing privileges held by the State Extensions Service Directors and the State Experiment Stations, and that no basis exists for the use of appropriations of your Department for reimbursement to the Post Office Department of the cost of mailings by said organizations.

A copy of this decision is being forwarded today to the Postmaster General in view of his interest in the matter.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, October 29, 1954.

The honorable the SECRETARY OF COMMERCE.

DEAR MR. SECRETARY: Reference is made to your letter of April 23, 1954, requesting a decision on certain questions contained in a memorandum prepared by the Director of the Bureau of the Census, concerning the applicability of the Penalty Mail Act of 1948, Public Law 785, approved June 25, 1948 (62 Stat. 1048), as amended by Public Law 286, approved August 15, 1953 (67 Stat. 614), to mail matter of the census referred to in section 14 of the act of June 18, 1929, Public, No. 13 (46 Stat. 25), as amended by section 7 of the act of June 25, 1948, Public Law 772 (62 Stat. 860).

It is stated in the memorandum that it is realized that any mail sent by the Bureau of the Census comes within the scope of the Penalty Mail Act of 1948, as amended, which requires that there shall be transferred to the Post Office Department, as postal revenue, the equivalent amount of postage due on penalty mail. However, it is stated to be the belief that mail sent to the Bureau or an official thereof is excluded from the foregoing statutes by virtue of section 14 of the act of June 18, 1929, as amended. This latter conclusion would permit the return, without cost to the Bureau of questionnaires sent to respondent and returned in pre-addressed envelopes furnished for that purpose.

The following specific questions are submitted for decision:

(1) Does not section 14 of the cited act of June 18, 1929, as amended, exclude the mail matter referred to therein from the provisions of the Penalty Mail Act of 1948?

(2) Would not respondents replying to questionnaires be considered "persons" as that term is used in the Penalty Mail Act of 1948 and, therefore, not required to reimburse the Post Office Department, and if so, may the Bureau of Census act as the agent for each respondent in procuring such envelopes which are enclosed with the questionnaire?

(3) Is the 4-pound restriction as to weight contained in the act of May 18, 1916 (39 Stat. 162), and reenacted by the Penalty Mail Act of 1948, applicable to the mail referred to in section 14 of the cited act of June 18, 1929, as amended?

It informally is understood that questions 1 and 2 relate to the return of questionnaires in preaddressed envelopes furnished by the Bureau for that purpose and the questions are considered on that basis.

Section 14 of the act of June 18, 1929 (46 Stat. 25), provides, as follows:

"That all mail matter, of whatever class or weight, relating to the census and addressed to the Census Office, or to any official thereof, and indorsed 'Official business, Census Office,' shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided*, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction."

This provision of law specifically states that *all* mail matter relating to the census and addressed to the Census Office shall be transmitted free of postage. While questionnaires may not have been used or contemplated at the time of enactment of the provision, such,

clear, unambiguous, and all-inclusive language must be construed as including such mail matter sent to the Bureau of Census by respondents replying to questionnaires since nothing has been found in its legislative history indicating any intent that its operation should be restricted within narrower limits than its words import.

Section 301 of the Penalty Mail Act of 1948 (62 Stat. 1048), as amended by Public Law 286, 83d Congress (67 Stat. 614), provides:

"All envelopes, labels, wrappers, cards, and other articles, bearing the indicia prescribed by law for matter mailed free of postage under the penalty privilege by all executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, shall be procured or accounted for through the Postmaster General under such regulations as he shall prescribe. The head of each such department, agency, establishment, or other organization, or each such person, shall submit to the Postmaster General within sixty days after the close of each fiscal year a statement showing the number of envelopes, labels, wrappers, cards, and other articles bearing such indicia on hand at the close of such fiscal year. Based on such accountings, there shall be transferred to the Post Office Department as postal revenue, out of any appropriations or funds available to the departments, agencies, and establishments concerned, the equivalent amount of postage due therefor, as determined pursuant to regulations prescribed by the Postmaster General."

This section 301, as amended, requires the payment of an equivalent amount of postage in the case of "departments, agencies, and establishments concerned." However, it does not require such payment in the case of other organizations and persons authorized by law to use the penalty privilege (33 Comp. Gen. 360). Since these questionnaires are entitled to be returned to the Bureau under the free mailing privilege of section 14 of the act of June 18, 1929, respondents returning the questionnaires are "organizations and persons" within the meaning of that term as used in section 301 of the Penalty Mail Act of 1948. Whether the Bureau of the Census may act as the agent for each respondent in procuring or accounting for the envelopes used in returning the questionnaires, as suggested in the second question, is for determination by the Postmaster General.

The limitation of 4 pounds on matter admitted to the mails under the penalty privilege was first imposed by section 11 of the act of May 18, 1916 (39 Stat. 162), with certain exceptions including penalty mail originating in Washington, D. C., but specific exemption therefrom was granted to certain census mail by section 29 of the act of March 3, 1919 (40 Stat. 1291, 1301), and again by section 14 of the 1929 act. However, the act of June 28, 1944, Public Law 364 (58 Stat. 394), provided a new general limitation of 4 pounds on matter admitted to the mails under the penalty privilege, which limitation was reenacted in the Penalty Mail Act of 1948. The primary purpose of that limitation was to remove the illogical weight distinction between penalty mail originating in Washington, D. C. (70 pounds), and elsewhere (4 pounds), but it also seems to have been intended that the effect of this limitation would make the 4-pound limitation applicable to all penalty mail. While the 1944 act specifically excepted only the War and Navy Departments for the duration of the war and 6 months thereafter, even this exception was not continued in the

1948 act. The 1944 act was an adoption of the recommendations of the Joint Committee on Reduction of Nonessential Federal Expenditures contained in Senate Document No. 147, 78th Congress, 2d session, almost in their entirety. It is stated in that Senate Document that "All departments and agencies, except the War and Navy Departments, the Selective Service System, and the Treasury Department, should be restricted to a 4-pound penalty mail weight limit both in Washington, D. C., and in the field, and should be required to pay postage to the Post Office Department for official mail weighing in excess of 4 pounds, or be required to ship the material by common carrier, freight or express—whichever is the most economical." Also, considering that the purpose of the Penalty Mail Acts of 1944 and 1948 was to establish a method of control over all penalty mail the exemption to the weight limitation contained in section 14 of the 1929 act must be regarded as having been intended to be repealed and it is so held. This conclusion is not affected by the fact that section 14 was reenacted with an amendment as a part of title 18 of the United States Code by section 7 of Public Law 772 (62 Stat. 860). The sole purpose of its reenactment was to repeal the penal provision contained in the proviso and its reenactment has no other effect. Section 14 of the 1929 act remains in force as modified by the Penalty Mail Act of 1948 under the following rule of statutory construction set out in 82 C. J. S. Statutes, section 295:

"Insofar as a later law is merely a reenactment of an earlier one, it will not repeal an intermediate act which qualifies or limits the first one, but such intermediate act will be deemed to remain in force, and to qualify or modify the new act in the same manner as it did the first."

Your questions are answered accordingly.

Sincerely yours,

FRANK H. WEITZEL,
Acting Comptroller General of the United States.

